



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 9

**CALFEE HALTER & GRISWOLD**  
**800 SUPERIOR AVENUE**  
**SUITE 1400**  
**CLEVELAND, OH 44114**

**COPY MAILED**

**MAR 09 2004**

**OFFICE OF PETITIONS**

In re Application of :  
Joseph B. Richey II :  
Application No. 10/068,391 :  
Filed: February 6, 2002 :  
Attorney Docket No. 12873/04187 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(a), filed February 9, 2004, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed March 4, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 5, 2002.

Petitioner asserts that the delay was caused by nonreceipt of the Notice of March 4, 2002. In support, petitioner has supplied a copy of the relevant docket report showing that under the Due date/Date Type there is no indication that a response was due.

The showing of record is adequate to establish unavoidable delay within the meaning of 35 U.S.C. § 151 and 37 CFR 1.137(a).

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

The application file is being forwarded to the Office of Initial Patent Examination for preexamination processing.

  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy